



**U.S. Department of Justice**

*United States Attorney  
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July 21, 2016

By Hand and ECF

The Honorable Raymond J. Dearie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Alfredo Hawit et al.  
Criminal Docket No. 15-252 (S-1) (RJD)

Dear Judge Dearie:

The government respectfully submits this letter to provide the Court with a status update regarding discovery and to alert the Court to an issue regarding the disclosure of the results of a search of CONMEBOL's headquarters in Paraguay.

I. Discovery

In advance of the last status conference, held on April 13, 2016, the government indicated that the production of Rule 16 discovery materials then in its possession would be substantially complete by June 30, 2016. On July 1, 2016, the government informed the Court and defendants in a status update letter that, while it had made significant progress, producing approximately six million pages of discovery materials that were in its possession as of April 13 as well as materials received since that date, it was not yet substantially complete. The government further noted in its July 1 letter that it anticipated making additional productions in the coming weeks.

Earlier this week, the government received an update regarding the processing of the additional data in its possession. The update included an approximate quantification of the volume that remains, information that was not previously available for technical reasons. The government learned that, in discovery terms, the data currently being processed appears likely to yield additional Rule 16 disclosures that exceed the amount of data already produced.<sup>1</sup> While

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<sup>1</sup> In its July 1 letter, the government indicated that the bulk of the records to be produced are from four searches conducted last year of the offices of CONCACAF and certain sports marketing companies.

the government unfortunately cannot predict with precision when this data will be ready for production, it has been and continues to expend significant resources to ensure that it is produced as soon as possible over the coming weeks, on a rolling basis, and in the same searchable, accessible format that has been used to date.<sup>2</sup>

The government contacted defense counsel earlier today to notify them and has begun the process of conferring with them about how, if at all, this new information impacts their anticipated motions. As the government noted in its July 1 letter, the current motion schedule concerns motions generally directed at the face of the government's pleadings that do not require comprehensive review of Rule 16 discovery. The government is aware, however, that certain defense counsel may wish to have more time and is thus endeavoring to determine whether the parties are able to present an agreed-upon approach to recommend to the Court.

## II. CONMEBOL Headquarters Records

As noted in its July 1 letter, the government received a particularly sizeable set of new materials in May, when it obtained the results of a 2016 search of the headquarters of CONMEBOL, the continental soccer confederation based in Asunción, which was conducted pursuant to a mutual legal assistance request to the Paraguayan authorities. In that letter, the government noted that there was a potential privilege issue raised by counsel that had to be resolved before the government could conduct any necessary privilege review and disclose these materials – which include electronic data stored on seven hard drives – to the defendants. The government has since continued its efforts to resolve the privilege issues so that it may begin a privilege review of this and other material in the government's possession, including material seized from defendant Juan Ángel Napout. Among other things, the government has asked counsel for defendant Napout, who is the former CONMEBOL president, and counsel for CONMEBOL, a victim in the case, to clarify information as to what privileges, including any claimed joint defense privileges, exist and the time period and scope of the relevant representations. While its efforts to obtain clarification are continuing, including from former counsel for CONMEBOL, the government anticipates that Court involvement and briefing may be necessary to resolve disputed issues relating to the existence and scope of certain privileges before the materials can be reviewed and ultimately disclosed pursuant to Rule 16.

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<sup>2</sup> As noted at the last status conference and in its July 1 letter, even as it aims to substantially complete its production of materials in its possession as of April 13, the government continues to receive and disclose additional materials. It expects that process to continue as its investigation remains active and ongoing.

